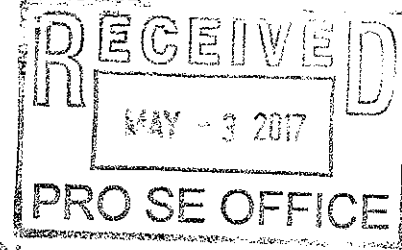


 ORIGINAL

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the



Andy Q. Goodall
Petitioner

v.

CV 17 - 2743
Case No.

(Supplied by Clerk of Court)

COGAN, J.

Warden B. Von Blanckensee
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Andy Quinn Goodall
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: F.C.I. OTISVILLE
(b) Address: F.C.I. OTISVILLE, PO BOX 1000 OTISVILLE, NY 10963
- (c) Your identification number: 11502 - 036
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: U.S. Federal District Court Bangor, ME Honourable John A. Woodcock, JR.
(b) Docket number of criminal case: _____
(c) Date of sentencing: 9/29/16
- ☐ Being held on an immigration charge
- ☐ Other (explain): _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☒ Other (explain): I am being disciplined without sanction

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Federal B.O.P., F.C.I. OTISVILLE(b) Docket number, case number, or opinion number: N/A

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I've been sitting in the S.H.U. for going on 12 weeks, my write up was dropped

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not appeal: The facility will not provide the proper grievance slips. I've made the warden & A.W. aware.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: For reason's set forth to # 7

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not file a third appeal: for reasons set forth in
#9

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

_____**12. Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

_____**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Due Process Violations.- Kept in SAU after write up dropped then
put in for a transfer with no factual basis for doing so. Ignored when asked for
grievance slips on many occasions.

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(a) Supporting facts (Be brief. Do not cite cases or law.):

was written up but dropped when other inmate admitted to illicit activity. Then kept in S.H.U. and put in for transfer for being a threat to staff which was conduct the other I/M admitted to. I've been sitting in the S.H.U. for 12 weeks for being a 'threat' when no threat has ever been established. I've asked my counselor many times for grievance slips and none have been forthcoming. I've even written the warden and A.W. on this issue. Also today on 4-30-17 after the investigation was closed for 8 weeks I was told it's been reopened which will keep me here longer and they have no new info. They're just rehashing already.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes☒ No

GROUND TWO: Cruel and Unusual Punishment - Have not been written up but am being punished by being held in the S.H.U. and the conditions in the S.H.U. constitute cruel and unusual punishment.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I put in a grievance in early march complaining of the extreme cold and drafty windows and they never answered it and the S.H.U. LT told me if I don't like it don't come to the S.H.U. The Warden told me she's aware of the issue but there's nothing she can do but issue an extra blanket which we can only use 1 blanket during the day anyways. And now that it's warming up it's unbearably hot.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes☒ No

GROUND THREE: False imprisonment / Legality of imprisonment

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have been deemed a 'threat' based on another inmates conduct, not my own and being held in the S.H.U. without even having seen the D.H.O. They have no valid reason to keep me in the S.H.U. I am being imprisoned in the S.H.U. with no factual basis for their doing so.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes☒ No

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GROUND FOUR: Discrimination

(a) Supporting facts (Be brief. Do not cite cases or law.):

Being held in the S.H.U. pending transfer for conduct that I did not commit. Other inmates are catching write ups for knives and drugs and are being released back to the yard. I feel I am being discriminated against due to my overlying charge.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I did not present these grounds in any appeals as the appeals process has been denied to me by Counselor Demco's, Warden Blackenssee and A.W. Maldonado's unwillingness and deliberate indifference to my being allowed to exercise my rights and access the administrative remedy process by providing me with the required forms.

Request for Relief

15. State exactly what you want the court to do: To have me immediately released to general population pending transfer or immediately transferred to ADC Brooklyn and released to general population pending transfer or to have my status designated right away.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

April 30th, 2017

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

4-30-17

Andy Goodell

Signature of Petitioner

Signature of Attorney or other authorized person, if any

BP-A0308
DEC 16

ADMINISTRATIVE DETENTION ORDER

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

FCI OTISVILLE

Institution

Date/Time: 2-21-2017 8:00 am

TO: Special Housing Unit Officer

FROM: J. MEYERS / LIEUTENANT (Name/Title)

SUBJECT: Placement of Goodall, Andy (E-B), Reg. No. 11502-036, in Administrative Detention.

You have been placed in administrative detention status for the following reason(s):

- _____ (a) Is pending classification or reclassification; or
- _____ (b) Is in holdover status pending transfer to a designated institution or other destination; or
- _____ (c) Removal from general population. Your presence in the general population poses a threat to life, property, self, staff, other inmates, the public, or to the security or orderly running of the institution and:
- _____ (1) Is pending an investigation for a violation of Bureau regulations;
- ✓ _____ (2) Is pending an SIS investigation;
- _____ (3) Is pending investigation or trial for a criminal act;
- _____ (4) Transfer to another institution or location (local hospital/NPO, etc.);
- _____ (5) Is to be admitted to Administrative Detention for protection:
- _____ (I) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.: _____

Staff Witness Printed Name/Signature: _____

_____ (II) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded for an appropriate hearing by the SRO.

_____ (6) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

Administrative detention status is an administrative status which removes you from the general population when necessary to ensure the safety, security, and orderly operation of correctional facilities, or protect the public. Administrative detention status is non-punitive, and can occur for a variety of reasons. Your placement is because*

PENDING AN SIS INVESTIGATION

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on (date / time) 2-21-2017 8:00 AM

Staff Witness Signature/Printed Name M. Cavalli Date 2-21-2017

24 hour Supervisor Review Signature/Printed Name _____ Date _____

* In the case of DHO action, reference to that order is sufficient. In other cases, the correctional supervisor will make an independent review and decision, which is documented here.

Record Copy - Inmate Concerned (not necessary if placement is a result of classification or holdover status); Copy - Central File; Copy - Unit Manager; Copy - Operation Supervisor - Administrative Detention Unit; Copy - Central File

PDF

Prescribed by P5270

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.★ MAY 03 2017 ★
(Replaces BP-A0308 of AUG 2011)

BROOKLYN OFFICE

Exhibit

1

BP-A0288

JAN 17

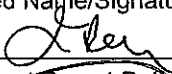

INCIDENT REPORT

203

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Part I - Incident Report

1. Institution: FCI OTISVILLE		Incident Report Number:	
2. Inmate's Name: Goodall, Andy Quinn	3. Register Number: 11502-036	4. Date of Incident: 2-21-2017	5. Time: 9:34 a.m.
6. Place of Incident: Lieutenants Office	7. Assignment: Food Service AM		8. Unit: E-B
9. Incident: Use of mail abuse other than criminal activity, which do not circumvent mail monitoring. -		10. Prohibited Act Code(s) 396	
11. Description of Incident (Date: 3-8-2017 Time: 3:00 p.m. Staff became aware of incident) On March 08, 2017, at 2:48 p.m., an SIS investigation was concluded. Wayne Niski, Register Number 08818-036, drafted a threatening email from Andy Goodall, Register Number 11502-036, TRULINCS account. Specifically, on February 22, 2017, SIS received an Inmate Request to Staff from the TRULINCS account of Goodall. The email read in pertinent part; "I took at some of these women around here and I see prey. They make me hungry. Dr. Restrepo, Dr. Fazzio, Karpovich and Mrs. Whinnery, they are all sexy and one of them is going to get raped. It may not be today or tomorrow. But I'll get one of them". During preliminary interviews, Niski stated he could no longer be housed with Goodall. Niski stated he had grown tired of Goodall's conversations with regard to sexual acts towards Goodall's victims. Niski stated he used Goodall's Personal Access Code (PAC) to send an email request to staff illustrating a threat to rape female staff members. Niski stated, by invading Goodall's personal email account and threatening female staff members it would ensure Goodall's permanent removal from the unit. Goodall alleges he had no participation in sending an email, but admitted he provided Niski with his PAC Number to search music on his TRULINCS account.			
12. Typed Name/Signature of Reporting Employee: J. Rey/ 		13. Date And Time: 3-8-2017/4:00 p.m.	
14. Incident Report Delivered to Above Inmate By (Type Name/Signature): 	15. Date Incident Report Delivered: 3/8/17	16. Time Incident Report Delivered: 5:30 p.m.	

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident:

COPY

18. A. It is the finding of the committee that you: <input type="checkbox"/> Committed the Prohibited Act as charged. <input type="checkbox"/> Did not Commit a Prohibited Act. <input type="checkbox"/> Committed Prohibited Act Code(s). _____	B. <input type="checkbox"/> The Committee is referring the Charge(s) to the DHO for further Hearing. C. <input type="checkbox"/> The Committee advised the inmate of its finding and of the right to file an appeal within 20 calendar days.
19. Committee Decision is Based on Specific Evidence as Follows:	
20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act):	
21. Date and Time of Action: _____ (The UDC Chairman's signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings).	
Chairman (Typed Name/Signature)	Member (Typed Name)
	Member (Typed Name)

INSTRUCTIONS: All items outside of heavy rule are for staff use only. Begin entries with the number 1 and work up. Entries not completed will be voided by staff.

Exhibit

2

Page 8 of 10, Ground One (a) Supporting facts

Continued...

unsubstantiated allegations that I made threats to staff that another inmate admitted to doing for the purpose of having me shipped.

Exhibit

3

BP-S294.052 NOTICE OF DISCIPLINE HEARING BEFORE THE (DHO)

CDFRM

MAY 94

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

FCI Otisville, NY

Institution

03/ 09 /2017

Date

TO: Goodall, Andy

Reg. No.: 11502-036

ALLEGED VIOLATION(S): Mail Abuse - No Circumvention

DATE OF OFFENSE: 02-21-2017

Code No.: 396

You are being referred to the DHO for the above charge(s).

The hearing will be held on: Next available at TBA (A.M./P.M.) at the following location:
day TBA

in the Special Housing Unit

You are entitled to have a full-time staff member represent you at the hearing. Please indicate below whether you desire to have a staff representative, and if so, his or her name.

I (do) ☒ (do not) ☐ wish to have a staff representative.

If so, the staff representative's name is: _____

You will also have the right to call witnesses at the hearing and to present documentary evidence in your behalf; provided, calling your witnesses will not jeopardize institutional safety. Names of witnesses you wish to call should be listed below. Briefly state to what each proposed witness would be able to testify.

I (do) ☒ (do not) ☐ wish to have witnesses.

NAME: Can Testify to:

NAME: Can Testify to:

NAME: Can Testify to:

The Discipline Hearing Officer will call those witnesses (Staff or Inmate) who are reasonably available, and who are determined by the DHO to have information relevant to the charge(s). Repetitive witnesses and repetitive character references need not be called. Unavailable witnesses may be asked to submit written statements.

If additional space is needed, use the reverse side of this form. Date, sign, and return this form to the DHO.

DATE: 03-09-2017

SIGNATURE: *Andy Goodall*Notice of hearing before DHO given inmate *3/9/17 1035* by

Date/Time

R. DeMeco
Staff Printed Name/Signature

(This form may be replicated via WP)

Replaces BP-294(52) of JAN 88

Exhibit

#4

BP-A0308
DEC 16

ADMINISTRATIVE DETENTION ORDER

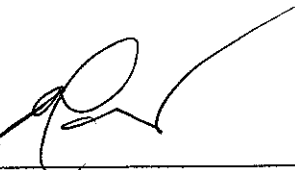
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

OTISVILLE FCI

Institution

Date/Time: 02-21-2017 08:28

TO: Special Housing Unit Officer

FROM: MUÑOZ, LIEUTENANT  (Name/Title)

SUBJECT: Placement of GOODALL, ANDY QUINN, Reg. No. 11502-036, in Administrative Detention

☐ (a) Is pending an investigation for a violation of Bureau regulations;☐ (b) Is pending an SIS investigation.☐ (c) Is pending investigation or trial for a criminal act;☐ (d) Is to be admitted to Administrative Detention☐ (1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.: _____


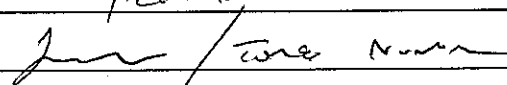
Staff Witness Printed Name Signature: _____

☐ (2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded for an appropriate hearing by the SRO.☒ (e) Is pending transfer or is in holdover status during transfer.☐ (f) Is pending classification; or☐ (g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this Correctional Supervisor's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because*

Pending Transfer

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on

(date / time) 3/22/17 12:00 PM Staff Witness Signature/Printed Name  Date 3/22/17

Supervisor 24 hour review of placement: Signature/Printed name _____

* In the case of DHO action, reference to that order is sufficient. In other cases, the Correctional supervisor will make an independent review and decision, which is documented here.

Record Copy - Inmate Concerned (not necessary if placement is a result of holdover status); Copy - Captain; Copy - Unit Manager; Copy - Operation Supervisor
- Administrative Detention Unit; Copy - Psychology; Copy - Central File